

**Introduced by Senator Wolk**  
**(Coauthors: Senators Monning and Vidak)**  
(Coauthors: Assembly Members Bonilla and Eggman)

December 1, 2014

---

---

An act to add Section 4788 to the Probate Code, relating to resuscitative measures.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as introduced, Wolk. Physician Orders for Life Sustaining Treatment form: statewide registry.

Existing law defines a request regarding resuscitative measures as a written document, signed by an individual with capacity, or a legally recognized health care decisionmaker, and the individual's physician, directing a health care provider regarding resuscitative measures. Existing law defines a Physician Orders for Life Sustaining Treatment form, which is commonly referred to as a POLST form, and provides that a request regarding resuscitative measures includes a POLST form. Existing law requires that a POLST form and the medical intervention and procedures offered by the form be explained by a health care provider. Existing law distinguishes a request regarding resuscitative measures from an advance health care directive.

This bill would enact the California POLST Registry Act. The bill would require the California Health and Human Services Agency to establish and operate a statewide registry system, to be known as the California POLST Registry, for the purpose of collecting POLST forms received from health care providers. Health care providers who complete a POLST form would be required to include the POLST form in the patient's medical record and would be required to submit the form to the registry, unless a patient or his or her health care decisionmaker

chooses not to participate in the registry. The bill would require the agency to disseminate the information in the POLST form to an authorized user. The bill defines “authorized user” to include a health care provider. The bill would require the agency to adopt rules for, among other things, the operation of the registry, including the means by which POLST forms would be submitted electronically, revised, and revoked, the capability to check the POLST form for accuracy prior to it being made available, the appropriate and timely methods for dissemination of POLST form information, the procedures for verifying the identity of an authorized user, and rules for maintaining the confidentiality of a POLST form received by the registry. The bill would require that any disclosure of POLST form information in the registry be made in accordance with applicable federal privacy laws. The bill would provide immunity for an authorized user who acts upon information obtained from the registry and acts in good faith.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California POLST Registry Act.
- 3 SEC. 2. Section 4788 is added to the Probate Code, to read:
- 4 4788. (a) For purposes of this section:
- 5 (1) “Agency” means the California Health and Human Services
- 6 Agency.
- 7 (2) “Authorized user” means a person authorized by the agency
- 8 to submit information to, or to receive information from, the
- 9 POLST registry, including health care providers.
- 10 (3) “Health care provider” has the meaning provided in Section
- 11 4621.
- 12 (4) “POLST form” means a Physician Orders for Life Sustaining
- 13 Treatment form that fulfills the requirements of Section 4780.
- 14 (5) “Registry” means the California POLST Registry established
- 15 by the agency pursuant to this section.
- 16 (b) The agency shall establish and operate a statewide registry
- 17 system, to be known as the California POLST Registry, for the
- 18 purpose of collecting a POLST form received from a health care
- 19 provider and disseminating the information in the form to an
- 20 authorized user. The registry may be operated and maintained by

1 a contractor of the agency. The agency shall adopt all rules  
2 necessary for the operation of the registry, which shall include,  
3 but not be limited to, the following:

4 (1) The means by which a POLST form may be submitted to  
5 the registry, may be revised, and may be revoked, which shall  
6 include a method for electronic delivery of this information and  
7 the use of legally sufficient electronic signatures.

8 (2) Appropriate and timely methods by which the information  
9 in the registry may be disseminated to an authorized user.

10 (3) Procedures for verifying the identity of an authorized user.

11 (4) Procedures to ensure the accuracy of, and to appropriately  
12 protect the confidentiality of, POLST forms submitted to the  
13 registry.

14 (5) The requirement that a patient, or his or her legally  
15 recognized health care decisionmaker, receive a confirmation or  
16 a receipt that the patient's POLST form has been received by the  
17 registry.

18 (6) The ability of a patient, or his or her legally recognized  
19 health care decisionmaker, to review the information in the  
20 patient's POLST form after it has been entered into the registry,  
21 and to confirm that it is accurate, prior to the information being  
22 available to an authorized user.

23 (7) The ability of a patient, or his or her legally recognized  
24 health care decisionmaker, to amend or withdraw a POLST form  
25 from the registry.

26 (c) The registry and the information it contains shall be the  
27 property of the state and any disclosure of information in a POLST  
28 form received by the registry shall be made in a manner consistent  
29 with the federal Health Insurance Portability and Accountability  
30 Act of 1996 (Public Law 104-191).

31 (d) A health care provider who completes a POLST form with  
32 a patient or his or her legally recognized health care decisionmaker  
33 shall include the POLST form in the patient's official medical  
34 record. The health care provider shall submit a copy of the POLST  
35 form to the registry unless the patient or the legally recognized  
36 health care decisionmaker chooses not to participate in the registry.

37 (e) An authorized user acting upon information obtained from  
38 the registry is not subject to criminal prosecution, civil liability,  
39 discipline for unprofessional conduct, administrative sanction, or  
40 any other sanction, if the person acted in good faith and had no

- 1 knowledge that the action or decision would be inconsistent with
- 2 a health care decision that the individual signing the POLST form
- 3 would have made on his or her own behalf, or on behalf of the
- 4 patient, under the circumstances.

O